

Attorney Docket No.: J3681(C)
Serial No.: 10/521,983
Filed: August 17, 2005
Confirmation No.: 1483

REQUEST FOR RECONSIDERATION AFTER FINAL REJECTION

In view of the following remarks, reconsideration of the subject claims is respectfully requested.

The Office Action of June 9, 2009 finally rejected claims 1 to 10 and 12 to 15 of the instant application, maintaining the prior rejection under 35 U.S.C. 103(a) over Hall (US 5,840,289), referred to in the Action as Hall, J.P.; this is the only rejection being applied and is respectfully traversed.

In maintaining the rejection over Hall, the Office Action states:

It would have been obvious to a person of ordinary skill in the art ...to follow the guidance of Hall, J.P. to arrive at the claimed invention.

One of ordinary skill would have been motivated to do this because the prior art Hall, J.P. teaches the concept of utilizing a masking agent **having a refractive index that matches the refractive index of the milled AACH (the antiperspirant active) for eliminating or reducing visible whitening.**

The viscosity of the masking agent is merely judicious selection and would have been obvious for one of ordinary skill in the art to try the masking agents as taught by Hall, J.P., then selected the desirable one to use, depending on the types of masking agent and the desirable effect one wishes to obtain.
(See page 5, beginning at the first full paragraph; emphasis added.)

This text seemingly attributes the benefits provided by the subject invention to the selection of an active and masking agent with matched refractive indices; respectfully, the subject invention is more than that. Pursuant to the subject invention it was found that the use of a high viscosity masking oil, in particular a masking oil having a viscosity of $10^4 \text{ mm}^2/\text{s}$ or greater, in an aerosol antiperspirant composition that contains a milled activated aluminium chlorohydrate (AACH), results in composition having remarkably low whitening. As noted in the instant specification at page 4, lines 4 to 9: